

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

**In re: DALE D MURPHY
MIKAELA SUZETTE MITCHELL**

Case No.: 23-50003-btf-13

Debtors

MOTION TO DENY CONFIRMATION OF PLAN

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #100), filed on or about July 27, 2023. In support thereof, the trustee states that the issues related to the proposed plan include:

1. Treatment of Non-Priority Unsecured Creditors:

The debtors propose a LAP plan in the amount of \$22,947 in Part 5.2 of the plan but propose in Part 7 of the plan to pay \$10,000 specifically to the non-priority unsecured creditors. The trustee's calculations regarding dividend setting for this LAP plan show that the non-priority unsecured creditors would receive a total of \$0.00 when the dividend is set. Please amend to clarify.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

August 01, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
2345 Grand Blvd., Ste. 1200
Kansas City, MO 64108-2663
(816) 842-1031

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.

Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail. If any party is served by United States First Class Mail a certificate of service will be filed thereafter:

DEBTOR(S)

VON ERDMANNSDORFF MOWRY & BARTLETT (664117) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

RB /Motion - Deny Confirmation